

STATE OF MICHIGAN  
SUPREME COURT

STEPHEN W. WARDA,

Plaintiff-Appellee/Cross-Appellant,

v.

CITY COUNCIL OF THE CITY OF FLUSHING  
and CITY OF FLUSHING,

Defendants-Appellants/Cross-Appellees.

SUPREME COURT NO. \_\_\_\_\_

COURT OF APPEALS NO. 241188

GENESEE COUNTY CIRCUIT COURT  
CASE NO. 98-62796-CZ

\_\_\_\_\_  
WASCHA & WAUN

BY: THOMAS W. WAUN (P34224)  
Attorney for Plaintiff-Appellee/Cross-Appellant  
10683 S. Saginaw St., Ste D  
Grand Blanc, Michigan 48439  
(810) 695-6100

HENNEKE, McKONE, FRAIM & DAWES, P.C.

BY: EDWARD G. HENNEKE (P56058)  
Attorney for Defendants-Appellants/Cross Appellees  
2222 S. Linden Rd., Ste. G  
Flint, Michigan 48532  
(810) 733-2050  
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**DEFENDANTS-APPELLANTS'  
AMENDED JUDGMENT BEING APPEALED AND RELIEF SOUGHT**

**FILED**

MAR 04 2004

CORBIN R. DAVIS  
CLERK  
MICHIGAN SUPREME COURT

**AMENDED JUDGMENT BEING APPEALED AND RELIEF SOUGHT**

Defendants seek leave to appeal from an unpublished per curium Opinion of the Michigan Court of Appeals dated December 23, 2003. The decision of the Court of Appeals affirmed a Trial Court Opinion dated November 5, 2001, awarding Plaintiff attorney fees in the amount of \$109,200.00.

Defendants ask this Court to reverse the decision of the Court of Appeals and the Trial Court.

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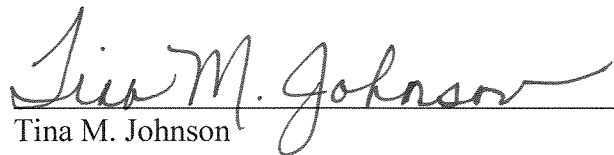
Flint, Michigan 48532

(810) 733-2050 \_\_\_\_\_/


**PROOF OF SERVICE**

STATE OF MICHIGAN}  
}  
GENESEE COUNTY }

Tina M. Johnson, being sworn, states that on the 3rd day of March, 2004, she mailed copies of the Amended Judgment Being Appealed and Relief Sought and Proof of Service on Thomas W. Waun, Wascha & Waun, 10683 S. Saginaw St., Ste. D, Grand Blanc, Michigan 48439, by placing the documents in the United States mail, properly addressed, with first-class postage fully prepaid.

  
Tina M. Johnson

Subscribed and sworn to before me this 3<sup>rd</sup> day of March, 2004.

  
Edward G. Henneke, Notary Public  
Genesee County, Michigan  
My Commission Expires: January 28, 2005